

19.05.2025

Ct. No. 34

Item No. 23

Sws.M

Allowed

C.R.M. (M) 355 of 2025

In Re : An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Nakashipara Police Station Case No. 271 of 2025 dated 14.03.2025 under Sections 329(3)/ 109/117(2)/118(2)/3(5) of the Bharatiya Nyaya Sanhita 2023.

And

In Re : Tachir Mallick @ Tachhir Rahaman Mallick & Ors.

.....petitioners

Mr. Santanu Talukder

Mr. Amanul Islam

Mr. Sourav Mukherjee

... For the Petitioners.

Mr. Imran Ali

Ms. Rita Datta

... For the State.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated. Charge-sheet has been submitted. Three of the co-accused are still absconding. The petitioners pray for bail.

Learned counsel for the State opposes the prayer and submits that the victim sustained grievous injuries and was admitted to the hospital for a couple of days.

I have considered the material on record.

No offending weapon has been seized. Allegations are general and omnibus in nature. No specific overt act has been attributed to any of the petitioners.

Considering the nature of the offence as well as the fact that the charge-sheet has been submitted, this Court is of the view that further detention of the petitioners is not required and they may be granted bail.

Accordingly the prayer for bail is allowed.

The petitioners namely, Tachir Mallick @ Tachhir Rahaman Mallick, Ohab Mallick @ Md. Abdul Ohab Mallick, Ismail @ Ismile

Sk. and Ebai @ Md. Ibai Mallick shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia, Krishnanagar subject to condition that they shall remain outside the jurisdiction of Nakashipara police station except for the purpose of appearing before the learned trial Court on every date of hearing. The petitioners shall furnish the address where they shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction they shall presently reside. They shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioners fail to adhere to any of the conditions stated hereinabove, the learned trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)